

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EMILIANO PEREZ, as Administrator of the  
Estate of JUAN RENE JAVIER PEREZ,

07 CIV 8780 (CS)(LMS)

Plaintiff,

**NOTICE OF MOTION**

-against-

TOWN OF BEDFORD, TOWN/VILLAGE  
OF MT. KISCO, and GEORGE BUBARIS,  
individually,

Defendants.

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**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of Lewis R. Silverman, Esq. dated August 22, 2008 and exhibits annexed thereto and the Memorandum of Law in Support, the defendant, GEORGE BUBARIS, will move this Honorable Court before the Honorable Lisa Margaret Smith, United States Magistrate Judge, in the United States District Court for the Southern District of New York, located at the U.S. Courthouse, 300 Quarropas Street, Room \_\_\_, White Plains, New York on a date and time to be decided by this Honorable Court:

- 1) For an Order pursuant to Fed. R. Civ. Pro. Rule 45 and 26(b)(1) to compel a non-party, the Westchester County District Attorney's Office, to comply with a subpoena duces tecum and;
- 2) For such other and further relief as this Court deems just and proper.

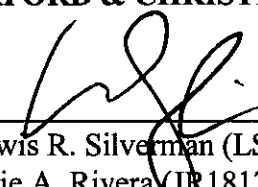
**PLEASE TAKE FURTHER NOTICE**, that the plaintiff's opposition, if any, is to be served at least five days before the return date set by the Court. Oral argument will be held on a date and time to be determined by the Court.

Dated: New York, New York  
August 22, 2008

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

By: \_\_\_\_\_

  
Lewis R. Silverman (LS9723)  
Julie A. Rivera (JR1817)  
Attorneys for Defendant,  
GEORGE BUBARIS  
369 Lexington Avenue, 8<sup>th</sup> Floor  
New York, New York 10017  
(212) 599-5799  
Our File No.: 1020.035

TO: WESTCHESTER COUNTY DISTRICT ATTORNEY (**By Hand**)  
*Non-Party Respondent*  
Westchester County Courthouse  
111 Dr. Martin Luther King, Jr. Boulevard  
White Plains, New York 10601  
(914) 995-2000  
Attention: John J. Sergi, Esq.  
Senior Assistant District Attorney

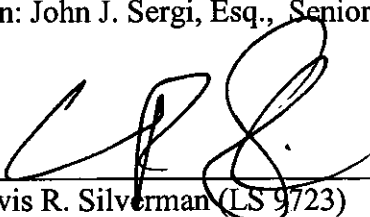
LOVETT & GOULD, LLP  
Attorneys for Plaintiff  
222 Bloomingdale Road  
White Plains, New York 10605  
(914) 428-8401  
Attention: Jonathan Lovett, Esq.

GELARDI & RANDAZZO, LLP  
Attorneys for Co-Defendant Town/Village of Mount Kisco  
151 Broadway  
Hawthorne, New York 10532  
(914) 495-3050  
Attention: James A. Randazzo, Esq.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing **NOTICE OF MOTION, DECLARATION IN SUPPORT OF MOTION TO COMPEL TO WESTCHESTER COUNTY DISTRICT ATTORNEY and MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT, GEORGE BUBARIS' MOTION TO COMPEL TO WESTCHESTER COUNTY DISTRICT ATTORNEY** was furnished via regular mail to the LOVETT & GOULD, LLP, Attorneys for Plaintiff, 222 Bloomingdale Road, White Plains, New York 10605, Attention: Jonathan Lovett, Esq. and GELARDI & RANDAZZO, LLP, Attorneys for Co-Defendant Town/Village of Mount Kisco, 151 Broadway, Hawthorne, New York 10532, Attention: James A. Randazzo, Esq. on this 22<sup>nd</sup> day of August, 2008.

A copy is being served by hand to the WESTCHESTER COUNTY DISTRICT ATTORNEY, *Non-Party Respondent*, Westchester County Courthouse, 111 Dr. Martin Luther King, Jr. Boulevard, White Plains, New York 10601, Attention: John J. Sergi, Esq., Senior Assistant District Attorney

  
\_\_\_\_\_  
Lewis R. Silverman (LS 9723)